

## § 175.30

## 49 CFR Ch. I (10–1–02 Edition)

Materials Regulations (49 CFR parts 171–180).

(2) A violation can result in five years' imprisonment and penalties of \$250,000 or more (49 U.S.C. 5124).

(3) Hazardous materials (dangerous goods) include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

(4) Notwithstanding the requirements of paragraph (a)(2) of this section, a notice with the wording "A violation can result in penalties of up to \$25,000 and five years' imprisonment (49 U.S.C. 1809)" may be used through December 31, 2001.

(b) The information contained in paragraph (a) of this section must be printed:

(1) Legibly in English, and, where cargo is accepted outside of the United States, in the language of the host country; and

(2) On a background of contrasting color.

(c) Size and color of the notice are optional. Additional information, examples, or illustrations, if not inconsistent with required information, may be included.

(d) Exceptions: Display of a notice required by paragraph (a) of this section is not required at:

(1) An unattended location (e.g., a drop box) provided a general notice advising customers of a prohibition on shipments of hazardous materials through that location is prominently displayed; or

(2) A customer's facility where hazardous materials packages are accepted by a carrier.

[Amdt. 175–50, 58 FR 50505, Sept. 27, 1993, as amended at 63 FR 37462, July 10, 1998]

### § 175.30 Accepting and inspecting shipments.

(a) No person may accept a hazardous material for transportation aboard an aircraft unless the hazardous material is:

(1) Authorized, and is within the quantity limitations specified for carriage aboard aircraft according to § 172.101 of this subchapter or as otherwise specifically provided by this subchapter.

(2) Described and certified on a shipping paper prepared in duplicate in accordance with part 172 of this subchapter or as authorized by § 171.11 of this subchapter. Each person receiving a shipping paper required by this section must retain a copy or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper immediately available, upon request, to an authorized official of a federal, state, or local government agency at reasonable times and locations. For a hazardous waste, each shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, each shipping paper copy must be retained for 375 days after the material is accepted by the carrier. Each shipping paper copy must include the date of acceptance by the carrier. Only an initial carrier must receive and retain a copy of the shipper's certification as required by § 172.204 of this subchapter.

(3) Labeled and marked in accordance with subparts D and E of part 172 or as authorized in § 171.11 of this subchapter, and placarded (when required) in accordance with subpart F of part 172 of this subchapter; and,

(4) Labeled with a "CARGO AIRCRAFT ONLY" label (see § 172.448 of this subchapter) if the material as presented is not permitted aboard passenger-carrying aircraft.

(b) Except as provided in paragraph (d) of this section, no person may carry a hazardous material in a package, outside container, or overpack aboard an aircraft unless the package, outside container, or overpack is inspected by the operator of the aircraft immediately before placing it:

(1) Aboard the aircraft; or,

(2) In a unit load device or on a pallet prior to loading aboard the aircraft.

(c) A hazardous material may only be carried aboard an aircraft if, based on the inspection prescribed in paragraph (b) of this section, the operator determines that the package, outside container, or overpack containing the hazardous material:

(1) Has no holes, leakage or other indication that its integrity has been compromised; and

(2) For Class 7 (radioactive) materials, does not have a broken seal, except that packages contained in overpacks need not be inspected for seal integrity.

(d) The requirements of paragraphs (b) and (c) of this section do not apply to:

(1) An ORM-D material packed in a freight container and offered for transportation by one consignor; or

(2) Dry ice (carbon dioxide, solid).

(e) An overpack containing packages of hazardous materials may be accepted only if the operator has taken all reasonable steps to establish that:

(1) The overpack does not contain a package bearing the "CARGO AIRCRAFT ONLY" label unless—

(i) The overpack affords clear visibility of and easy access to the package; or

(ii) The package contains a material which may be carried inaccessibly under the provisions of §175.85(c)(1); or

(iii) Not more than one package is overpacked.

(2) The proper shipping names, identification numbers, labels and special handling instructions appearing on the inside packages are clearly visible or reproduced on the outside of the overpack, and

(3) Has determined that a statement to the effect that the inside packages comply with the prescribed specifications appears on the outside of the overpack, when specification packagings are prescribed.

[Amdt. 175-1, 41 FR 16106, Apr. 15, 1976, as amended by Amdt. 175-12, 45 FR 13091, Feb. 28, 1980; Amdt. 175-17, 45 FR 68654, Oct. 11, 1980; Amdt. 175-25, 47 FR 54822, Dec. 6, 1982; Amdt. 175-34, 50 FR 48420, Nov. 25, 1985; Amdt. 175-37, 51 FR 5974, Feb. 18, 1986; Amdt. 175-39, 51 FR 44791, Dec. 12, 1986; Amdt. 175-47, 55 FR 52685, Dec. 21, 1990; 66 FR 45184, Aug. 28, 2001; 67 FR 46128, July 12, 2002]

#### § 175.31 Reports of discrepancies.

(a) Each person who discovers a discrepancy, as defined in paragraph (b) of this section, relative to the shipment of a hazardous material following its acceptance for transportation aboard an aircraft shall, as soon as practicable, notify the nearest FAA Civil Aviation Security Office by telephone and shall provide the following information:

(1) Name and telephone number of the person reporting the discrepancy.

(2) Name of the aircraft operator.

(3) Specific location of the shipment concerned.

(4) Name of the shipper.

(5) Nature of discrepancy.

(b) Discrepancies which must be reported under paragraph (a) of this section are those involving hazardous materials which are improperly described, certified, labeled, marked, or packaged, in a manner not ascertainable when accepted under the provisions of §175.30(a) of this subchapter, including:

(1) Package which are found to contain hazardous materials:

(i) Other than as described or certified on shipping papers;

(ii) In quantities exceeding authorized limits;

(iii) In inside containers which are not authorized or have improper closures;

(iv) In inside containers not oriented as shown by package markings;

(v) With insufficient or improper absorption materials, when required; or

(2) Packages or baggage which are found to contain hazardous materials subsequent to their being offered and accepted as other than hazardous materials.

[Amdt. 175-15, 45 FR 35332, May 27, 1980, as amended by Amdt. 175-41, 52 FR 36672, Sept. 30, 1987; 66 FR 45184, Aug. 28, 2001]

#### § 175.33 Notification of pilot-in-command.

(a) Except as provided in §175.10, when a hazardous material subject to the provisions of this subchapter is carried in an aircraft, the operator of the aircraft must provide the pilot-in-command with accurate and legible written information as early as practicable before departure of the aircraft, which specifies at least the following:

(1) The proper shipping name, hazard class and identification number of the material as specified in §172.101 of this subchapter or the ICAO Technical Instructions. In the case of Class 1 material, the compatibility group letter also must be shown. If a hazardous material is described by the proper shipping name, hazard class, and identification number appearing in: